

Regular Session, 2009

HOUSE CONCURRENT RESOLUTION 38

BY REPRESENTATIVE HARRISON

ENERGY/DRILLING: Memorializes congress to maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing

1 A CONCURRENT RESOLUTION

2 To memorialize the United States Congress to take such actions as are necessary to preserve
3 and maintain the exemption from the Safe Drinking Water Act for hydraulic
4 fracturing.

5 WHEREAS, the Safe Drinking Water Act (SDWA) was originally passed by
6 congress in 1974 to protect public health by regulating the nation's public drinking water
7 supply; and

8 WHEREAS, since the 1974 enactment of the Safe Drinking Water Act, the
9 Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as
10 constituting "underground injection" within the definitions of the SDWA; and

11 WHEREAS, in 2004, the EPA published a final report summarizing a study that
12 evaluated the potential threat to underground drinking water sources from hydraulic
13 fracturing of coal bed methane production wells and the EPA concluded that "the injection
14 of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to
15 underground sources of drinking water and that "additional or further study is not
16 warranted at this time . . ."; and

17 WHEREAS, in the Energy Policy Act of 2005, the United States Congress explicitly
18 exempted hydraulic fracturing from the provisions of the Safe Drinking Water Act; and

19 WHEREAS, the Interstate Oil and Gas Compact Commission (IOGCC) conducted
20 a survey of oil and gas producing states which found that there were no known cases of
21 groundwater contamination associated with hydraulic fracturing; and

1 WHEREAS, hydraulic fracturing is currently, and has been for decades, a common
2 practice used in exploration and production by the oil and gas industry in all IOGCC
3 member states without groundwater damage; and

4 WHEREAS, approximately thirty-five thousand wells are hydraulically fractured in
5 the United
6 States annually, and close to a million wells have been hydraulically fractured in the United
7 States since the technique's inception, all with no known harm to groundwater; and

8 WHEREAS, the regulation of oil and gas exploration and production activities,
9 including hydraulic fracturing, has traditionally been the responsibility of the states and the
10 Safe Drinking Water Act was never intended to grant to the federal government authority
11 to regulate oil and gas drilling and production operations, such as "hydraulic fracturing",
12 which is regulated under the Underground Injection Control program; and

13 WHEREAS, the individual member states of the IOGCC have adopted
14 comprehensive laws and regulations to provide safe operations and to protect the nation's
15 drinking water sources, and have trained personnel to effectively regulate oil and gas
16 exploration and production; and

17 WHEREAS, production of coal seam natural gas, natural gas from shale formations,
18 and natural gas from tight conventional reservoirs is becoming increasingly important to our
19 domestic natural gas supply and will be even more important in the future; and

20 WHEREAS, continued and expanded domestic production of natural gas will help
21 ensure that the United States continues on the path to energy independence; and

22 WHEREAS, hydraulic fracturing plays a major role in the development of virtually
23 all unconventional oil and gas resources and regulation of hydraulic fracturing as
24 underground injection under the Safe Drinking Water Act would impose significant
25 administrative costs on the states and substantially increase the cost of drilling oil and gas
26 wells with no resulting environmental benefits; and

27 WHEREAS, in addition to increasing the costs both to the producers of oil and gas
28 resources and the states for regulation of hydraulic fracturing as underground injection under
29 the SDWA, the costs to the consumer would also increase if hydraulic fracturing was limited
30 or prohibited.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 memorialize the United States Congress to take such actions as are necessary to preserve and
3 maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.
4 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
5 presiding officers of the Senate and the House of Representatives of the Congress of the
6 United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HCR No. 38

Memorializes congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.